

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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OWEN SHEPHERD,  
Plaintiff,

v.

ORDER  
10-CV-837A

NEW YORK STATE, OFFICE OF MENTAL HEALTH,  
BUFFALO PSYCHIATRIC CENTER,  
and  
NEW YORK STATE, DEPARTMENT OF CIVIL  
SERVICE, NEW YORK STATE, OFFICE OF THE  
STATE COMPTROLLER, NECESSARY PARTY,

Defendants.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 29, 2013, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion for summary judgment be granted and that the plaintiff's complaint be dismissed in its entirety.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion for summary judgment is granted and plaintiff's complaint is dismissed in its entirety.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: February 20, 2013